

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15346 of Eben Block, as amended, pursuant to 11 DCMR 3107.2, for a variance from the allowable percentage of lot occupancy requirements (Sub-section 403.2) a variance from the floor area ratio requirements (Sub-section 402.4), and a variance from the rear yard requirements (Sub-section 404.1) for the construction of a flat in an R-5-B District at premises 1718 Seaton Street, N.W., (Square 150, Lot 76).

HEARING DATE: September 12, 1990

DECISION DATES: October 3, November 7, and December 5, 1990

SUMMARY OF EVIDENCE OF RECORD:

1. The property is located on the south side of Seaton Street between 17th Street and Florida Avenue and is known as premises 1718 Seaton Street, N.W. It is zoned R-5-B.

2. The subject lot is rectangular in shape with a frontage of 14.5 feet along Seaton Street and a depth of 57 feet. The topography of the site is generally level and has a total lot area of 826.5 square feet.

3. The property was originally developed with a single-family three-story row dwelling which was demolished subsequent to a fire in the late 1960's. The site is located in the Striver's Historic District and has remained vacant since its demolition in 1968.

4. The area surrounding the subject site is predominantly developed with two and three-story dwellings in the R-5-B District. A C-2-A District is located along 17th Street approximately 120 feet east of the site. A C-M-2 District is located to the north and west along Florida Avenue.

5. The applicant proposes to develop the site with a three-story row structure to be occupied as a flat.

6. The R-5-B zoning of the subject site permits a maximum lot occupancy of 60 percent or 495.9 square feet. The proposed lot occupancy would be 704 square feet or 82.5 percent. A variance of 208.10 square feet or 41.96 percent is therefore required. A maximum floor area ratio (FAR) of 1.8 or 1,487.7 square feet is permitted. The proposed FAR would be 1,972 square feet or 2.1 FAR. A variance of 484.3 square foot or 32.55 percent is therefore required. A minimum rear yard of fifteen feet is required. No rear yard is provided. A variance of 100 percent is therefore required. There is no minimum lot width or area required for the R-5-B District.

7. The application, as advertised, included a request for a variance from the off-street parking requirements. At the public hearing, the applicant noted that a parking space is provided at the rear of the site at ground level. The application was amended to delete the requirement for a variance from the off-street parking requirements.

8. The proposed structure would contain a small one-bedroom dwelling unit and a covered parking area accessible from the public alley to the rear on the ground floor level. The second and third stories would contain a two-bedroom dwelling unit with a deck which would overhang the parking area.

9. The applicant's architect testified that the requested variances are necessitated by the narrow width and small size of the subject lot. The architect was of the opinion that the proposed structure is as small as it can practically be designed to accommodate a reasonably sized dwelling and a full size parking space.

10. The adjacent property at 1716 Seaton Place is currently developed with a three-story row dwelling which provides a rear yard of approximately ten feet. The adjacent property at 1720 Seaton Street is currently developed with a two-story row dwelling which provides a rear yard of approximately six feet. The height of the proposed dwelling exceeds the height of the premises 1716 Seaton Street by approximately one foot and of 1720 Seaton Street by approximately four feet.

11. The Office of Planning (OP), by memorandum dated August 31, 1990, recommended that the application be denied. The OP was of the opinion that the applicant had not met the requisite burden of proof. The OP was further of the opinion that the proposed structure would be too large for the lot and would not be in keeping with the size of other structures on the block or with the intent and purpose of the zone plan for the city.

12. The record contains a petition with signatures of fifteen area residents who have reviewed the applicant's plans and are in favor of the proposed construction. Two nearby property owners testified at the public hearing in support of the application. The support was based on the fact that development of the site would eliminate a vacant gap in the existing streetscape, would provide for needed housing units in the city, and variance relief is justified because the subject site is the narrowest lot on the block.

13. The record contains one letter in opposition to the application from the residents of 1719 Seaton Street. The opposition is summarized as follows:

- a. The requested variances are excessive and the proposed use as a flat is not in keeping with the character of the block.
- b. The original roofline, which calls for a shared gable with the property at 1716 Seaton Street, is an important part of the streetscape and should not be ignored.
- c. Street parking is limited and a variance from the parking provisions would exacerbate the existing parking conditions. (The Board notes that the requirement for a variance from the parking requirements has been deleted).

14. By letter dated September 25, 1990, subsequent to the conclusion of the public hearing on the case, the applicant requested a postponement of the Board's decision on the application and for the Board to reopen the record to allow for further submission from the applicant to address the concerns expressed regarding the application. The Board granted the request at its public meeting of October 3, 1990.

15. By letter dated October 30, 1990, the applicant advised the Board that he had met with the Dupont Circle Historic Conservancy, the Historic Preservation Review Board, the Advisory Neighborhood Commission (ANC) 1C and the Office of Planning representative. The applicant requested a further postponement of the Board's decision on the case. The Board granted the request at its public meeting of November 7, 1990.

16. By submission received on November 26, 1990, the applicant submitted a copy of the minutes of the meeting of the Dupont Circle Conservancy held on June 12, 1990 and the staff report of the Historic Preservation Review Board dated October 24, 1990. The Dupont Circle Conservancy recommended a change in the placement and materials of the windows of the proposed structure. The Historic Preservation Review Board staff report indicated that the proposed structure was similar in design and scale to others on the street in the historic district and recommended conceptual approval of the project with detailed review of the final design delegated to staff.

17. By submission dated November 29, 1990, the applicant filed a copy of the report of the Single Member District Commissioner of ANC 1C09, BZA Order No. 14615 relating to another property in the subject square, and proposed findings of fact. The report of the SMD Commissioner, dated November 26, 1990, indicated that, after review of the plans and a period of discussion, the SMD Commissioner and constituents of ANC 1C09, agreed unanimously to support the application. The Board notes that the circumstances

set forth in its Order No. 14615 are not similar to the instant case in that the applicant in that case sought a variance from only one section of the Zoning Regulations for an addition to an existing nonconforming structure.

FINDINGS OF FACT:

1. The Board finds that the applicant has failed to demonstrate that the subject site is exceptional or extraordinary. Although the Board concurs that the site is small, it is not dissimilar to the majority of lots on the subject block. In addition, the applicant has not demonstrated that strict compliance with the Zoning Regulations would create a practical difficulty upon the owner. The Board notes that the site is currently undeveloped and, therefore, is not encumbered with building restraints created by existing development.

2. The Board finds that the requested variances are excessive and would adversely impact on adjoining and nearby property.

3. The Board finds that the arguments offered by the testimony of neighbors in support of the application are not persuasive. Development of the site would eliminate a vacant gap in the existing streetscape. However, development of the site can be achieved without the variances requested. The Board is not charged with the legal responsibility to provide housing units in the District. The Board found no significant difference in the size and shape of the subject lot with other lots in the square.

Conclusions of Law and Opinion:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which require a showing of an exceptional condition inherent in the property itself. The Board concludes that the applicant has not met the requisite burden of proof. The Board concludes that the site, although small, is similar in size, shape and topography to the majority of lots in the subject block. The site is vacant and the applicant has failed to demonstrate that strict application of Zoning Regulations would create a practical difficulty upon the owner.

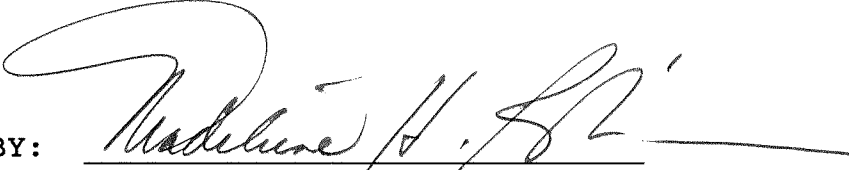
The Board further concludes that the requested relief can not be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is hereby DENIED.

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VOTE: 4-0 (Sheri M. Pruitt, Paula L. Jewell, Charles R.  
Norris and Carrie L. Thornhill to deny)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: MAY 29 1992

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15346Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15346

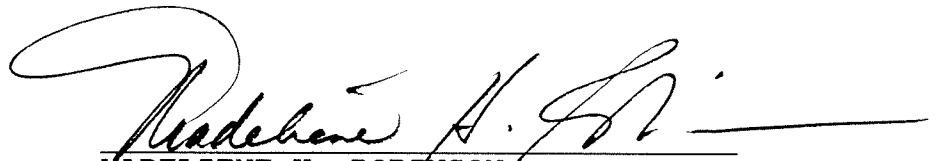
As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 29 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Eben Block  
1743 V Street, N.W.  
Washington, D.C. 20009

Hal Hiemstra  
1722 Seaton Place, N.W.  
Washington, D.C. 20009

Michael Sussman  
2109 N Street, N.W.  
Washington, D.C. 20037

James P. Crane, Chairperson  
Advisory Neighborhood Commission 1-C  
2409 - 18th Street, N.W.  
Washington, D.C. 20009

  
MADELIENE H. ROBINSON  
Acting Director

DATE: MAY 29 1992

15346Att/bhs